



**US Army Corps
of Engineers**
Louisville District ®

Public Notice

Public Notice No.
LRL-2017-108-jmb

Date:
21 Feb 2018

Closing Date:
23 Mar 2018

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Louisville District

ATTN: Mr. Jarrod Bonnick, CELRL-RDE

6855 State Route 66

Newburgh, Indiana 47630

Phone: (812) 842-0469

This notice announces an application submitted for an after-the-fact Department of the Army (DA) Permit, subject to Section 404 of the Clean Water Act:

APPLICANT: Mr. Ryan Burns
Burns Farm Inc.
13525 Bunker Hill Lane
St. Francisville, IL 62460

AGENT: Mr. James Moye
Moye Ag Consulting, LLC
6900 Shiloh Lane
Sumner, Illinois 62466

LOCATION: An unnamed tributary, and abutting wetlands, to Allison Ditch No. 2, on a site located in Sections 17 and 20, Township 4 North, Range 10 West, in Lawrence County, Illinois.

Latitude: 38.77750° North
Longitude: -87.54338° West
7.5 Minute Quad: Russellville, ILL - IND

PURPOSE: Conversion of the subject area to cropland

DESCRIPTION OF WORK: The applicant is applying for an after-the-fact (ATF) DA permit to construct and operate a water drainage and management system in order to convert an area of land, mostly wetlands, into highly productive cropland. As indicated on the United States Department of Agriculture – Natural Resource Conservation Service’s web soil survey, the soil unit present throughout most of this area (Wabash silty clay, occasionally flooded), if drained, would be classified as prime farmland. The project, if approved, would impact 25.0 acres of wetlands: 2.1 acres of palustrine forested wetlands and 22.9 acres of scrub-shrub/emergent

wetlands, and approximately 10 linear feet of intermittent stream.

The water drainage and management system consists of approximately 38,723 linear feet of drainage tiles of various sizes, a pump/lift station located near the farthest downstream point of the unnamed tributary on the subject property, and a “ditch” block, located just upstream of the pump station. The drainage tiles would convey water to the pump station where a series of pumps would then discharge the water into the unnamed tributary, downstream of the ditch block, which would prevent water from backing up on the converted land. The specifications of the water drainage and management system, including a drawing showing the layout and size of the various drainage tiles, and a narrative description of the tank dimensions, pump specifications/capacities, and a ditch plug purpose and description can be found in Figures 3 and 4 of 6, which are attached.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: As this is an ATF permit application, submitted to address a Section 404 Clean Water Act violation, no avoidance and minimization efforts were considered due to the work already being completed. The applicant had two options in order to address the violation. These were to restore the area on-site or submit an after-the-fact DA permit application in order to authorize the work. The applicant has decided to apply for a DA permit so that the work completed could be authorized.

The applicant proposes to provide compensation for the 25.0 acres of forested (2.1 acres) and scrub-shrub/emergent (22.9 acres) wetland impacts by re-establishing 29.2 acres of palustrine forested wetlands, planted primarily with hard-mast tree species, at an off-site location. The off-site mitigation site is located within the same 10-digit Hydrologic Unit Code as the impact site (see Figures 5 and 6 of 6).

It is noted that this proposed mitigation plan is open to comment and subject to change. The Corps will make a determination of appropriate mitigation, upon review of all submitted information.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied. A DA permit, if otherwise warranted, will not be issued until a State of Illinois Water Quality Certification or waiver is on file at this office. In order to comply with Section 401 of the Clean Water Act, the applicant, by this notice, hereby applies for State certification from the Illinois Environmental Protection Agency (ILEPA).

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

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Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest which might be damaged by issuance of the DA Permit.

The National Register of Historic Places has been examined, and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, prehistoric, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 – Public Law 89-665 as amended (including Public Law 96-515).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines (40 CFR Part 230) promulgated by the Administrator, United States Environmental Protection Agency, under authority of Section 404(b) of the CWA.

The Corps of Engineers is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. It is presumed that all interested parties and agencies will wish to respond, therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed project. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. Drawings are available on Louisville District's Internet site at

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<http://www.lrl.usace.army.mil/Missions/Regulatory.aspx> . All comments regarding this proposal should be addressed to Mr. Jarrod Bonnick, CELRL-RDE at the address noted above and should refer to the Public Notice Number LRL-2017-108-jmb.

If you desire to submit your comments by email, you must comply with the following:

a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2017-108-jmb.

Example: Subject: LRL-2017-108-jmb

b) Provide your physical mailing address and telephone number.

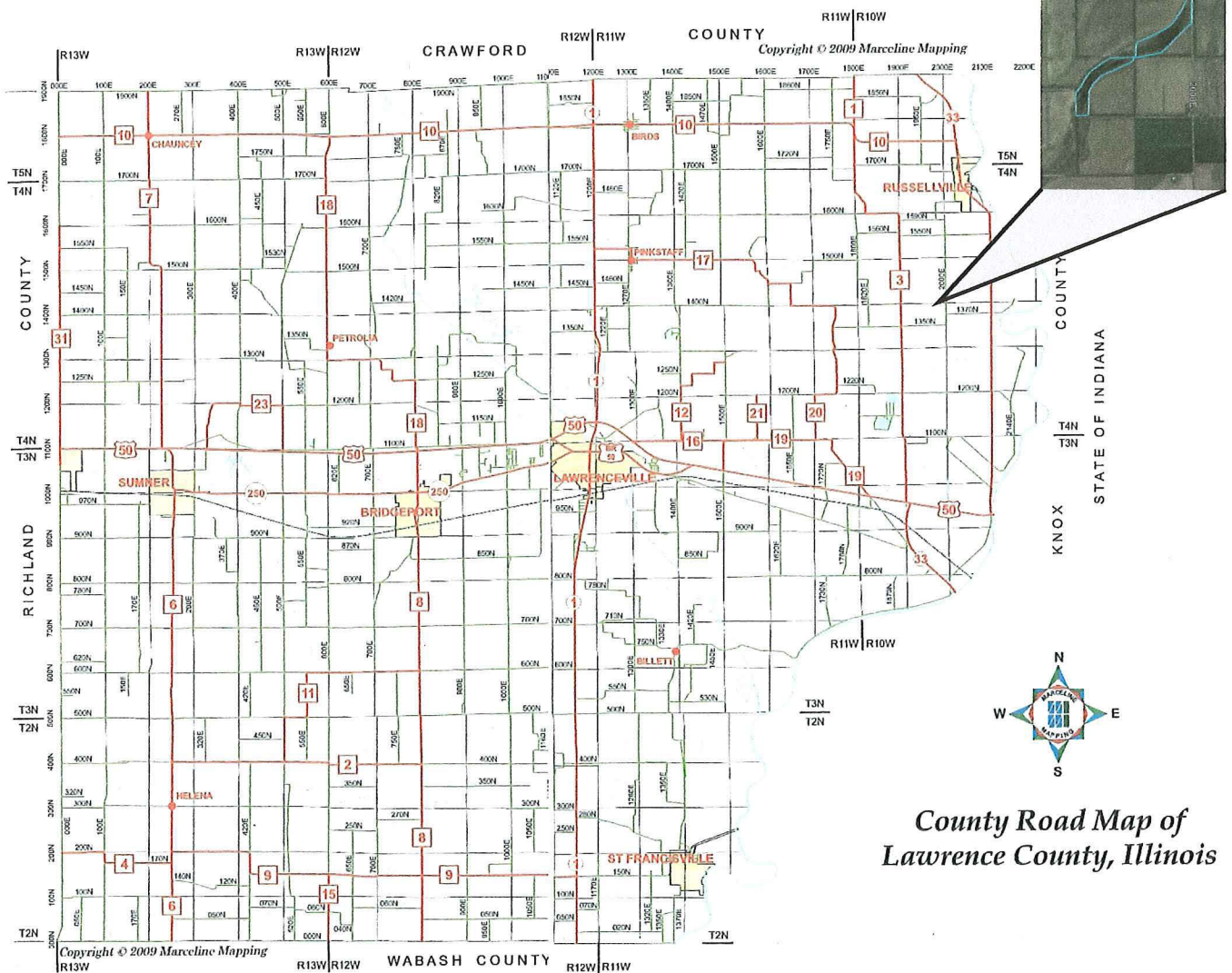
c) Send your email to: lrl.regulatorypubliccomment@usace.army.mil

d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.

Drainage Plan for Burns Farms, Inc.

Lawrence County, Illinois

Re: LRL-2017-108-jmb



LRL-2017-108-jmb General Location Map
Figure 1 of 6

Burns Farms, Inc – Lawrence County Illinois Section 404 Permit Application

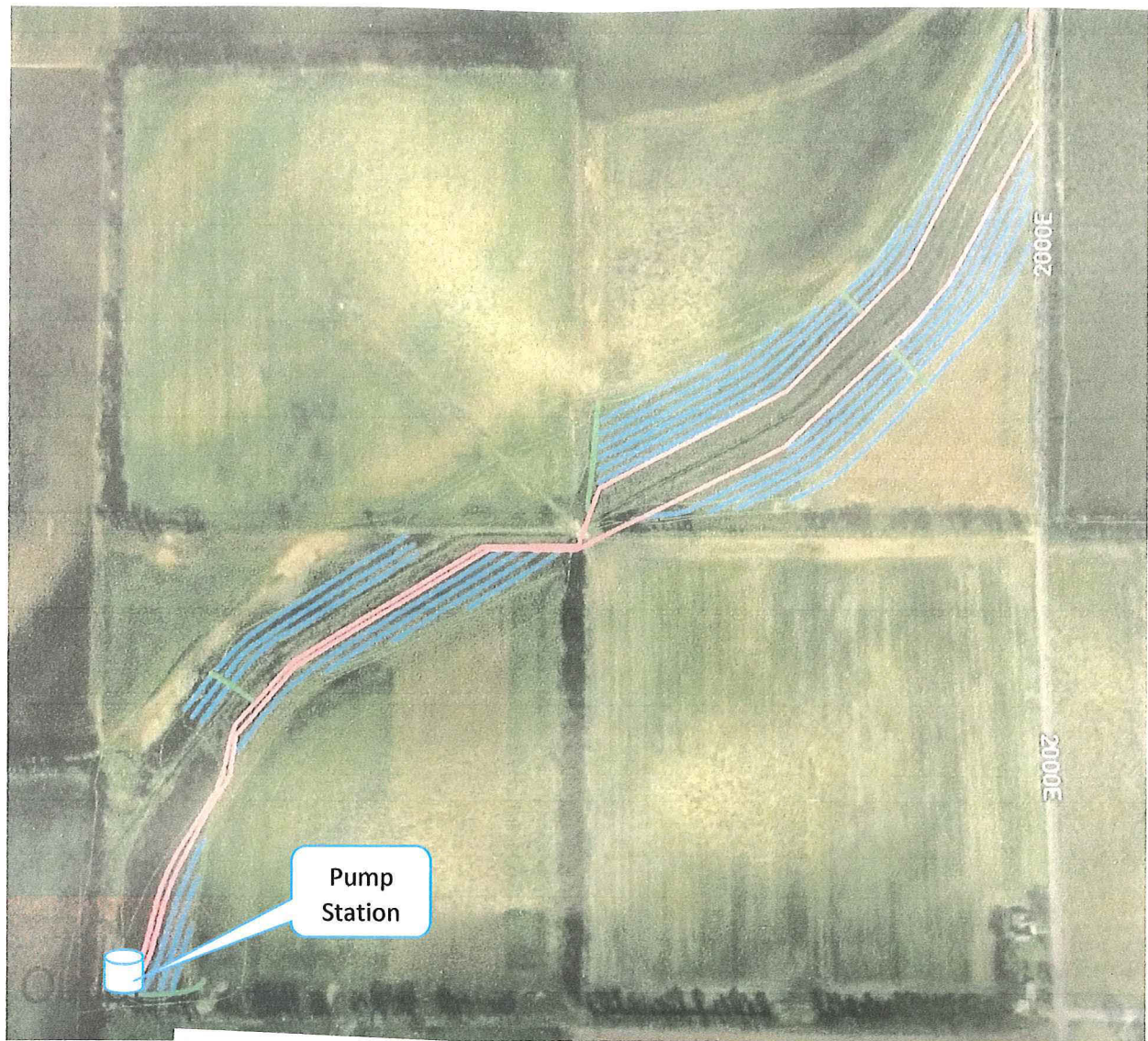
Block 18



LRL-2017-108-jmb Site Location Map
Figure 2 of 6

Drainage Plan for Burns Farms, Inc.

Tile Plan Map



Client: cfoo	4 in tile	25285.12 ft
Farm: BURNS FARM	6 in tile	5386.53 ft
Field: PUMP STATION BEHIND BE	12 in tile	191.18 ft
Name: Drainage - Completed	15 in tile	7845.73 ft
	21 in Dual Wall	14.91 ft
	< Unassigned >	0.00 ft

Drainage Plan for Burns Farms, Inc.

Pump Station Description and Logistics

The tile and the pump station were installed by Complete Farm Conservation Operations of Russellville, IL. The tile is generally installed 36" deep.

The sump tank is 8' diameter and 11' in the ground and is set up for 6 feet of draw down.

There are 3 – 4 inch pumps installed in the sump tank with the following capacities:

1 pump with 325 gallons per minute (gpm) (0.72 cfs) capacity with 4" PVC outlet. starts first as the sump begins to fill;

2 pumps have capacities of 720 gpm (1.6 cfs) with 6" PVC outlets.

The pumps have been installed to start with the 326 gpm pump starting first. In instances when the first pump cannot keep up with the inflow, one of the 720 gpm pumps begins operation. When the water gets above the second pump starting level, the next 720 gpm pump begins operation.

The tile draining into the tank is 21" dual wall tile installed 6' above the floor of the tank.

Each foot of depth in the tank is 376.10 gallons (50.3 cu. Ft.)

The pump station will not be in operation outside of the growing season and will commence operation in the spring to prepare the site for the planting of crops.

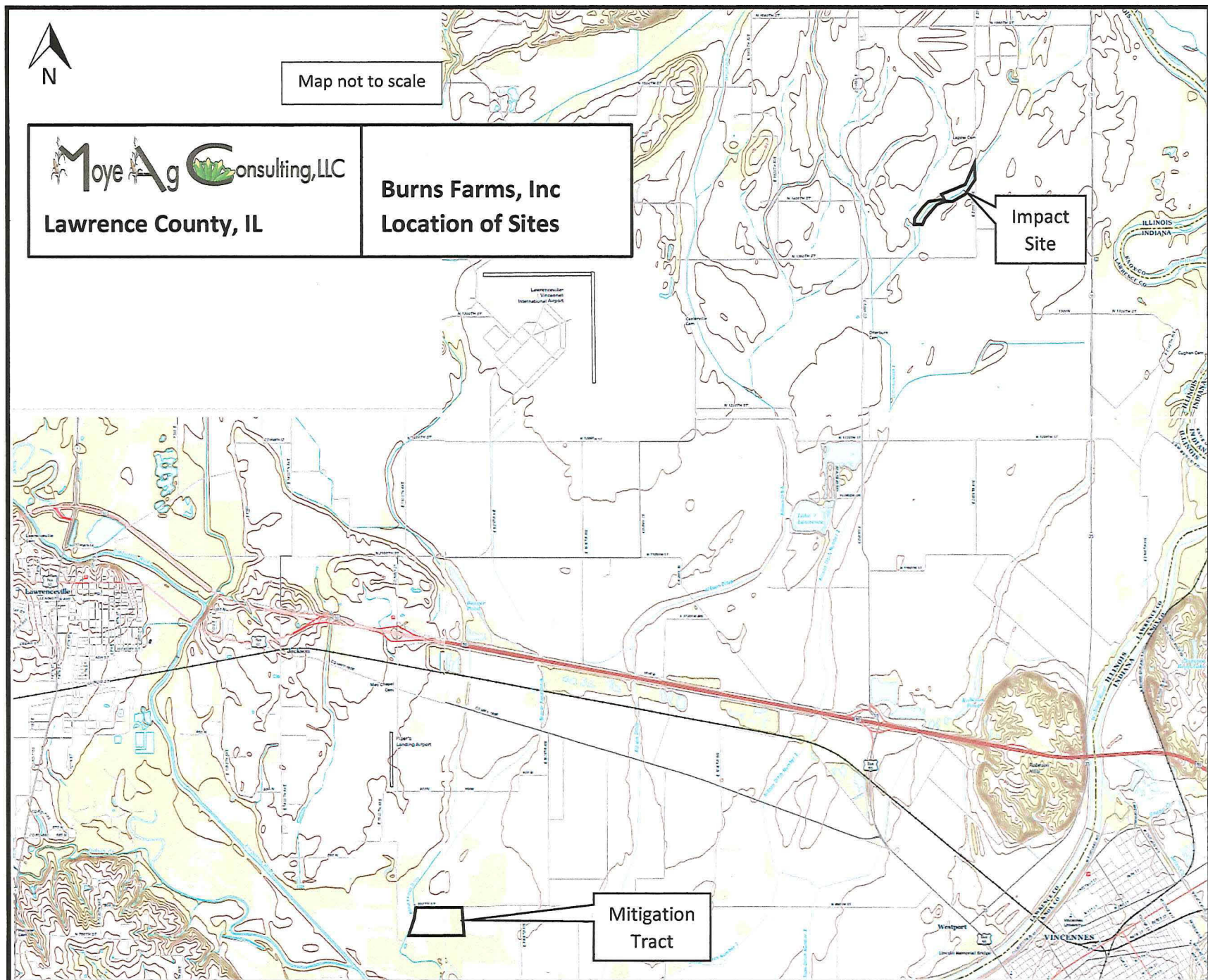
It is anticipated that the pumps will only run at full capacity in the early spring after initially commencing operation and during the growing season when there are periods of excessive rainfall or when the Wabash River rises above flood stage. It is also anticipated that operation will be only intermittent periods since the pump capacity exceeds what the tile lines will be draining into the pump station sump. The rest of the growing season, the station will only operate for shorter intermittent periods with only one to two pumps operating.

Ditch Plug Purpose and Description

After Burns Farms acquired this farm in 2014, it was apparent that downstream drainage was impeded perhaps from the lack of downstream ditch maintenance and the accumulation of material in the downstream outlet ditch since water began to pond more frequently and at deeper than before on the impact site. This is what initiated the pursuit of a drainage system to overcome the natural drainage obstruction.

Thus, the ditch plug was installed immediately upstream of the pump station outlets to prevent backflow onto the impact site when the station would be in operation.

The ditch plug is constructed of soil and is approximately 2 feet tall from the ditch bottom and 15 feet across and ties into the backfill around the pump station. When the pump station is not functioning the plug will back water up approximately 2,000 linear feet in the unnamed tributary to Allison #2 and create approximately 8 to 10 acres of surface water ponding.



LRL-2017-108-jmb General Mitigation Site Location Map
Figure 5 of 6



LRL-2017-108-jmb Mitigation Site Location Map
Figure 6 of 6